

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7059

BILL NUMBER: HB 1266

NOTE PREPARED: Feb 16, 2009

BILL AMENDED: Feb 16, 2009

SUBJECT: Notice to Voters Regarding Provisional Ballots.

FIRST AUTHOR: Rep. Avery

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Explanation of Provisional Ballot-* The bill requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. The bill requires the Election Commission (EC) to prescribe the form of the explanation.

Circuit Court Clerk Notification- The bill requires the circuit court clerk of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot.

Mailing of Notices- The bill requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. The bill requires the notice to be in a form prescribed by the EC.

List of Provisional Voters- The bill requires the county election board to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request.

Public Access to Provisional Voting- The bill requires the circuit court clerk and the Secretary of State to compile and make public certain information about provisional voting.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Explanation of Provisional Ballot-* The EC would be able to prescribe an explanation form within the course of a regular business meeting. If completely accessible electronically the Election Division (ED) would have minimal, if any, expenditures from printing the explanation form.

(Revised) *Public Access to Provisional Voting-* This provision should present a negligible impact to the SOS. The SOS currently provides the number of provisional ballots cast and counted (the most recent available provisional counts are from the 2006 general election).

Explanation of State Revenues:

Explanation of Local Expenditures: *Explanation of Provisional Ballot-* This provision should minimally impact precinct or absentee voter board expenditures.

Mailing of Notice- Clerks could choose to mail notices to persons casting a provisional ballot. If notices were mailed at the standard first class postage rate, the cost could range from \$0.27 (postcard) to \$0.42 (letter) per notice depending on the size of the form. During the 2006 general election, 3,873 provisional ballots were cast in Indiana. Of the number cast, 2,701 or 69.7% were counted. The 2008 election results for provisional ballots are not currently available.

(Revised) *List of Provisional Voters-* If not already compiled, county election boards would be able to compile the required information with negligible expense.

(Revised) *Public Access to Provisional Voting-* Circuit court clerks would be able to compile and prepare for public display provisional ballot information within existing resources.

Explanation of Local Revenues:

State Agencies Affected: Election Commission; Department of Correction.

Local Agencies Affected: Precincts, absentee voter boards, circuit court clerks, county election boards.

Information Sources: Secretary of State: <http://www.in.gov/sos/elections/elections/index.html>.

Fiscal Analyst: Chris Baker, 317-232-9851.